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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/080,862      | 02/22/2002  | Jyrki Ignatius       | 0365-0530P          | 9773             |

2292 7590 12/19/2005

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| EXAMINER |
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MCAVOY, ELLEN M

|          |              |
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| ART UNIT | PAPER NUMBER |
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1764

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/080,862

Applicant(s)

IGNATIUS ET AL.

Examiner

Ellen M. McAvoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/10/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trotta et al (6,241,791) in view of Scott et al (US2002/0014035 A1).

Applicant's arguments filed 10 June 2005 have been fully considered but they are not persuasive. As previously set forth, Trotta et al ["Trotta"] teach that with respect to gasoline the content of olefins (mainly light olefins) should be reduced (column 1, lines 21-25) and that the use of high-octane hydrocarbon components deriving from the selective oligomerization of isobutene, has a synergic effect with that of some low-boiling and high-octane components, such as for example, ethanol (column 6, lines 47-52). This specific use can also comprise the formulation of gasolines not containing oxygen but at the same time complying with the strictest environmental specifications (column 6, lines 53-56). Trotta teaches gasoline having a RON octane number equal to or higher than 90 and a MON octane number equal to or higher than 80 containing a typical gasoline cut, having a boiling point ranging from 30 to 220°C, one or more compounds deriving from the selective oligomerization of isobutene, which may optionally have been at least partially hydrogenated, in a quantity ranging from 0.5 to 20% by weight, preferably from 5 to 18%, wherein the dimmers of isobutene and possible co-dimers of isobutene with n-butenes are in a quantity of at least 80% by weight, preferably at least 85%, more preferably at

least 90%, and optionally ethanol in a quantity ranging from 0 to 10% by weight, preferably from 0.5 to 6% (column 6, line 57 to column 7, line 6). While Trotta teaches gasoline compositions comprising “a typical gasoline cut, having a boiling point ranging from 30 to 220°C” having a reduced content of olefins (mainly light olefins) comprising one or more compounds deriving from the selective oligomerization of isobutene, which may optionally have been at least partially hydrogenated, in a quantity ranging from 0.5 to 20% by weight, preferably from 5 to 18%, Trotta differs from the instant claims in not disclosing the claimed distillation properties, aromatics content and Reid Vapor Pressure.

Scott et al. [“Scott”] teach a method for blending unleaded gasoline containing ethanol, and having a Reid Vapor Pressure of 8.0 psi or less, and more preferably 7.0 psi or less [paragraph 0015]. There is less than 0.1 wt. %, more preferably less than 0.05 wt. %, and most preferably less than 0.01 wt. % of ether compounds in the blended gasoline [paragraph 0071]. The gasoline can be blended to achieve any octane rating desired. A regular gasoline with an octane rating of at least 87, a mid-grade gasoline with an octane rating of at least 89 or 90 or a premium gasoline with an octane rating of at least 91 can also be prepared [paragraph 0074]. In Table 4, pages 6-8 of Scott, ethanol free fuel compositions having the aromatic content and distillation properties of the instant claims are disclosed.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to formulate a gasoline composition as taught by Trotta comprising a typical gasoline cut and one or more compounds deriving from the selective oligomerization of isobutene, said gasoline having a reduced content of light olefins, said gasoline having an

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aromatic content, Reid Vapor Pressure and distillation properties of an ethanol free base gasoline as taught by Scott.

Applicants argue that:

“The present invention is directed to a gasoline fuel composition, particularly characterized by being free of alkanol. This type of alkanol-free gasoline fuel composition is not taught or suggested in either of the references cited by the Examiner, whether considered alone or in combination.”

And that:

“Trotta et al., the primary reference, is specifically directed to a gasoline composition containing ethanol, namely compositions that require the presence of ethanol (and alkanol). The fundamental concept of Trotta et al. is to replace MTBE with the combination of ethanol and an oligomer of isobutene.”

This is not deemed to be persuasive because Trotta does not require the presence of alcohols in the liquid mixture suitable as gasoline, but rather, ethanol is an *optional* component which may be added to the liquid mixture in an amount of 0 to 10% by weight. See the abstract and col. 7, lines 4-6. Thus the claim language “An alkanol-free gasoline fuel composition” fails to distinguish the claimed composition over Trotta since the Trotta composition may also be alkanol-free. And, as set forth above, Scott discloses in Table 4, pages 6-8, ethanol-free fuel compositions having the aromatic content and distillation properties of the instant claims. See Base oils 1-9.

**THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

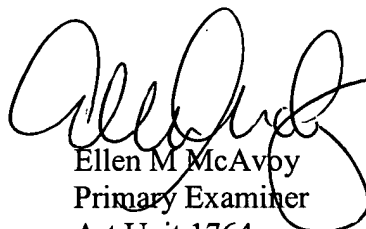
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen M. McAvoy whose telephone number is (571) 272-1451. The examiner can normally be reached on M-F (7:30-5:00) with alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ellen M. McAvoy  
Primary Examiner  
Art Unit 1764

EMcAvoy  
December 13, 2005